

REMARKS

In the foregoing amendments, applicant's claims were amended so that claims 60-85 depend either directly or indirectly on claim 40. Claims 1-56 and 58-85 remain the application for consideration by the examiner.

The Official action set forth a combination restriction/election requirement. Firstly, the applicant must make any election between groups I-XVIII, as set forth on pages two and three of the Official action. Secondly, if group IV, V or VI (i.e., claim 13, 14, or 15) was elected, the applicant must make any election of species as set forth on pages 4 and 5 of the Official action.

Applicant hereby elects the group XIII invention including claims 37-40 with traverse. As mentioned above, applicant's claims were amended so that claims 60-85 depend either directly or indirectly on claim 40. Thus, claims 37-40 and 60-85 are encompassed by and read on the group XIII invention. Therefore, an examination on the merits of claims 37-40 and 60-85 is respectfully requested.

Applicant respectfully submits that claims 37-40 and 60-85, as amended herein, share a single special technical feature so that these claims have unity of invention under PCT Rule 13.1. In the event the unity of invention requirement as set forth in the outstanding Office action is stated otherwise or is inconsistent with the examination of claims 37-40 and 60-85, together in a single application and at the present time, applicant hereby traverses the lack of unity of invention requirement. The

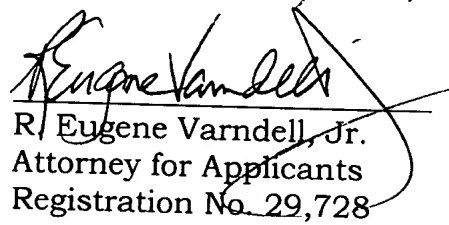
special technical feature of claims 37-40 and 60-85, is a modified protein consisting of a modified amino acid sequence represented by SEQ ID NO: 1, 3, 5, 7, 9, or 11, or the corresponding DNA sequence SEQ ID NO: 2, 4, 6, 8, 10, or 12.

In the discussion on page 3 of the Official action, the Official action took the position that method claims, such as claims directed to treating cellulose fabrics, do not share a special technical feature with other groups of claims, simply because the other claims are not method claims. This interpretation of the PCT treaty is incorrect. It is possible and likely that claims that share a special technical feature have additional features which are not common. For the unity of invention purposes, intention must be focused on the special technical features that the claims share, not the features the claims do not share. Claims 37-40 and 60-85 require the same sequences and therefore should be examined together under unity of invention. Therefore, an examination on the merits of claims 37-40 and 60-85 is respectfully requested.

The foregoing is believed to be a complete and proper response to the Official action mailed May 5, 2003. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
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